

REMARKS

Claims 1-17 and 19-20 are pending in the instant application. Figure 1 is objected to for lacking indicia that it is prior art. Claims 1-17 are objected to for manner of reciting a syringe which is accommodated by the present invention. Claim 20 stands rejected under 35 U.S.C. §112, second paragraph for failing to distinctly claim the subject matter which the applicant regards as the invention. Claims 1-10, 16-17, and 19-20 stand rejected under 35 U.S.C. §102(b) as being anticipated by United States Patent Publication No. 2002/0077588 to Schneider. Claims 1-6 and 10-17 stand rejected under 35 U.S.C. §102(b) as being anticipated by United States Patent No. 4,357,971 to Friedman. Claims 1-10, 16-17, and 19-20 stand rejected under 35 U.S.C. §102(e) as being anticipated by United States Patent No. 6,575,930 to Trombley et al. The application has been amended. The claims have been amended. Applicant respectfully submits that the amendment does not introduce new matter in contravention of 35 U.S.C. §132. Reconsideration is respectfully requested.

Figure 1 is objected to for lacking indicia that it is prior art. Submitted herewith is a replacement sheet for Figure 1 which includes labeling that it represents the prior art. Reconsideration is respectfully requested.

Claims 1-17 are objected to for manner of reciting a syringe which is accommodated by the present invention. The Office suggests that recitation of “and a syringe” may be deleted from claim 1. Applicant respectfully submits that such a deletion is unnecessary and that the Office is perhaps mis-reading claim 1.

The present invention provides an adapter for a syringe pump used for dispensing the contents of a hand-held syringe. The adapter is configured to be received by the pump as would a hand-held syringe. The adapter itself holds the syringe and provides a means of rotationally agitating the content of the syringe. The present invention enables a syringe to be rotated even though its dispensement is provided by a syringe pump which does not itself provide for rotation of a syringe. The present invention also enables a syringe pump to dispense from a syringe which is not configured to fit within the syringe pump.

Claim 1 has been amended to replace the first instance of the term 'comprising' with the term 'including' so as to indicate that the syringe placed within the adaptor is not a necessary element of the present invention. Claim 1 thus recites that the instant application claims an adaptor which connect to a syringe pump and a syringe, the adaptor providing for rotation of the syringe.

Regarding the claims use of the terms 'hand-held syringe' and 'syringe', Applicant respectfully submits that each 'syringe' is clearly a contracted form of reciting the same 'hand-held syringe' as each instance of 'syringe' is preceded by the definite article 'the', indicating that it is referring to a previously described object which is not itself an element of the claimed invention.

Applicant respectfully submits that the amendment to claim 1 distinctly claims the present invention. Reconsideration is respectfully requested.

Claim 20 stands rejected under 35 U.S.C. §112, second paragraph for failing to distinctly claim the subject matter which the applicant regards as the invention. Applicant respectfully submits that this rejection stands obviated by the amendment to claim 20 which clearly recites a method step. Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 1-10, 16-17, and 19-20 stand rejected under 35 U.S.C. §102(b) as being anticipated by United States Patent Publication No. 2002/0077588 to Schneider. This rejection is respectfully traversed.

Schneider does not disclose an adaptor for a syringe pump, but in fact discloses a syringe pump. The syringe pump of Schneider is a stand-alone system and is not adaptable for connection with another syringe pump as is the present invention.

The Office states that the limitation of 'connectable' is a functional limitation which the reference only needs the capability of performing. The Office further interprets the term 'connectable' as two elements to come into contact with each other. Applicants note, however, that claim 1 recites that the adaptor as claimed is connectable to two objects, the syringe pump and the syringe (the Office is presumably working from its suggestion that the term 'and a syringe' has been deleted).

Schneider includes a component (such as part 4 in figure 1 or part 24 in Figure 4a) which provides for rotational agitation of a syringe, however neither of these parts can be described as an 'adaptor' for a syringe pump because each is an integral and required component of the syringe pump. That is, without components 4 or 24 (and part 24 includes a rotating bracket 30a&b) there would be no retention of the syringe within the syringe pump and thus nothing to hold the syringe barrel in place while the plunger rod is advanced. Without components 4 or 24, the syringe would just be kicked away by the action of the power driver. So, without components 4 or 24, there would be no syringe pump. Thus, neither of these components can be described as an adaptor connectable to a syringe pump as they are part of the syringe pump themselves. Moreover, neither of these components can be said to be connectable to both a syringe pump and a syringe because they are actually required components of the syringe pump.

Therefore, as Schneider fails to disclose an adaptor connectable to a syringe pump and a syringe, Applicant respectfully submits that Schneider does not disclose each and every element of the claimed invention. Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 1-6 and 10-17 stand rejected under 35 U.S.C. §102(b) as being anticipated by United States Patent No. 4,357,971 to Friedman. This rejection is respectfully traversed.

Friedman discloses a manually-operated tool for allowing visually-impaired technicians to properly fill a syringe with the precise dose to be dispensed. The tool provides certain tactile and audible signals to the visually-impaired user to assist in the proper manual operation of the tool. The Office cites component 10 of Friedman as being an adaptor. Yet Friedman notes, at column 2, lines 11-12 (the first sentence of the Detailed Description), that component 10 is a ‘syringe gauging, loading, and injection apparatus’. So, once again, component 10 is not an adaptor which is connectable to a syringe pump and a syringe, but simply a manually-operated tool which provides for manual filling and discharge of a syringe.

Additionally, Friedman does not disclose rotating a syringe. What Friedman does disclose is a rotating wheel 44 which turns a shank 52. Additionally, one end of shank 52 includes a stop member 56 which may pivot thereabout and so as to be positioned opposite the syringe’s plunger head 22 from a piston driver. Rotating wheel 44 causes stop member to linearly extend or retract. Shank 52 may be locked by depressing a detent 104 and hold stop member 56 at a fixed location. Stop member 56 pivots clear of the plunger head 22 so that the syringe may be inserted into a vial of fluid and the plunger head 22 withdrawn so as to fill the syringe. Stop member 56 is then pivoted over the syringe plunger and plunger head 22 is pushed towards it until resting against it. The operator thus knows that the plunger has been displaced at the location providing the correct dose in the syringe. To dispense from the syringe, stop member 56 is pivoted clear of the plunger so that the operator may push plunger head 22 and dispense the dose. But there is no rotation of the syringe by the Friedman device.

Furthermore, the Office does not even suggest that Friedman provides for syringe rotation. Instead, the Office states that “*if the adaptor (10) were rotated, the syringe would be rotated as well*”. Applicant respectfully submits that, first (and again), component 10 is

not an adaptor but is actually a stand-alone manual tool. Second, implicit in the Office's statement is the recognition that Friedman does not provide rotation of the syringe. This failure alone demonstrates that Friedman does not anticipate the present invention.

Additionally, the Office is stating that the entire adaptor would be rotated, rather than having the adaptor simply provide for rotation of the syringe. Since the Friedman tool is manually operated for both syringe filling and dispensing, and dispensing is done directly from the syringe into the patients skin (Col. 7, lines 4-6), Applicants respectfully submit that rotating the tool during such dispensing could cause serious injury to the patient. The present invention provides that an entire dispense pump need not be rotated by some other device, but that it provides for the rotation itself.

Therefore, as Friedman fails to disclose an adaptor connectable to a syringe pump and a syringe and which rotates a syringe, Friedman fails to anticipate the instant invention.

Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 1-10, 16-17, and 19-20 stand rejected under 35 U.S.C. §102(e) as being anticipated by United States Patent No. 6,575,930 to Trombley et al. This rejection is respectfully traversed.

Trombley discloses a syringe pump which provides for rotation of the syringe. Similar to Schneider, Trombley does not disclose an adaptor connectable to both a syringe pump and a syringe and which rotates the syringe because Trombley discloses the syringe pump itself. In fact, Trombley provides no details as to the inner workings of its syringe pump at all. There is only an unlabeled holding device for the syringe which rotates the syringe. Without this unlabeled holding device, there is no syringe pump. Again, the disclosure cannot be said to provide an adaptor connectable to syringe pump and a syringe because the recited 'adaptor' is integral to the syringe pump itself.

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Therefore, as Trombley fails to disclose an adaptor connectable to a syringe pump and a syringe and which rotates the syringe, Trombley fails to anticipate the present invention. Reconsideration and withdrawal of the rejection are respectfully requested.

In view of the remarks hereinabove, Applicant respectfully submits that the instant application, including claims 1-17 and 19-20, is in condition for allowance. Favorable action thereon is respectfully requested.

Any questions with respect to the foregoing may be directed to Applicant's undersigned counsel at the telephone number listed below.

Respectfully submitted,

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